

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA RECEIVED
EASTERN DIVISION

2006 APR 14 P 2:51

B. GARY DAY,)
Plaintiff,)
v.) CIVIL ACTION NO.: 3:06-cv-260-MHT
WALTER EDWARD FRENCH, III;)
CHRISTOPHER B. FRENCH; JOHN)
FLORY; and JEROME SHORT,)
Defendants.)

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held by counsel for the parties for the purposes of making the following report to the Court:

A. For The Plaintiff, B. Gary Day:

James L. Martin
James L. Martin, PC
P.O. Box 14
201 E. Broad Street
Eufaula, Alabama 36072-0014

B. For the Defendants, Christopher B. French and Walter Edward French, III:

Leon A. Boyd, V
Herman W. Cobb
Cobb, Shealy, Crum & Derrick, PA
P.O. Box 6346
Dothan, Alabama 36302-6346

C. For the Defendant, John Flory:

Roger S. Morrow
Joel H. Pearson
Morrow, Romine & Pearson, P.C.

122 South Hull Street
P.O. Box 4804
Montgomery, Alabama 36103-4804

D. For the Defendant, Jerome Short:

Kenneth L. Funderburk
Funderburk, Day & Lane
P.O. Box 1268
Phenix City, Alabama 36868-1268

2. Pre-Discovery Disclosures. The parties will exchange by May 17, 2006 the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will generally be needed on all aspects of the claims and damages alleged by the Plaintiff and regarding the insurance policy and claim which are the subject of this action.

All discovery commenced in time to be completed by February 1, 2007.

Maximum of 45 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 45 requests for production of documents by each party to any other party. Responses due 30 days after service.

Maximum of 20 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 8 depositions (excluding experts) by plaintiff and 8 by defendant unless otherwise agreed by the parties. Each deposition is limited to a maximum of 8 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by November 15, 2006.

from defendant(s) by January 15, 2007.

Any party shall be allowed thirty days in which to identify rebuttal expert(s) following the identification of expert witness(es) by another party.

4. Other Items.

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in April, 2007.

Plaintiff shall be allowed until July 31, 2006 to join additional parties and amend the pleadings.

All potentially dispositive motions should be filed by February 7, 2007.

Settlement may be enhanced by the use of alternative dispute resolution procedures, but cannot be evaluated until the completion of discovery on February 1, 2007. Final lists of witnesses (excluding experts) and exhibits under Rule 26(a)(3) due by no later than 30 days prior to trial.

Parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

This action should be ready for trial by May 7, 2007, and at this time is expected to take approximately two days.

Defendants reserve the right to seek a stay of these proceedings and any necessary modification of the dates set forth in this report.

Date: April 14, 2006

James L. Martin
JAMES L. MARTIN, MAR031
Attorney for Plaintiff, B. Gary Day

OF COUNSEL:

JAMES L. MARTIN, PC
P.O. Box 14
201 E. Broad Street
Eufaula, Alabama 36072-0014
Telephone: (334) 887-2700
Facsimile: (334) 887-3574


LEON A. BOYD, V, BOY036
HERMAN W. COBB, COB022
Attorneys for Defendants, Christopher
B. French and Walter Edward French, III

OF COUNSEL:

COBB, SHEALY, CRUM & DERRICK, PA
P.O. Box 6346
Dothan, Alabama 36302-6346
Telephone: (334) 877-3000
Facsimile: (334) 877-0030



**ROGER S. MORROW, MOR032
JOEL H. PEARSON, PEA019
Attorneys for Defendant, John Flory**

OF COUNSEL:

**MORROW, ROMINE & PEARSON, P.C.
122 South Hull Street
P.O. Box 4804
Montgomery, Alabama 36103-4804
Telephone: (334) 262-7707
Facsimile: (334) 262-7742**



**KENNETH L. FUNDERBURK, FUN002
Attorney for Defendant, Jerome Short**

OF COUNSEL:

**FUNDERBURK, DAY & LANE
P.O. Box 1268
Phenix City, Alabama 36868-1268
Telephone: (334) 297-2900
Facsimile: (334) 297-2224**